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VIA ECF

The Honorable P. Kevin Castel
United States District Court Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *USA v. Diaz Morales, et al.*
Defendant: Juan Carlos Bonilla Valladares
Docket No.: S8 15-CR-00379 (PKC)

Dear Hon. Judge Castel

I along with co-counsel Bernarda Villalona represent Juan Carlos Bonilla Valladares in the referenced matter. Mr. Bonilla respectfully moves the Court to join the motion to sever his trial from that of all other defendants, as filed by the following co-counsel on behalf of his respective client and to the extent the factual and legal issues raised apply to Mr. Bonilla:

The Motion to Sever filed by Raymond L. Colon, Esquire at ECF Docket 515.

Specifically, as it relates to Counsel Colon's application both under Rule 8(b) and under Rule 14(a) and the analysis therein. To summarize, I agree that there would be substantial prejudice in this matter to the defendants, should they be forced to be on trial, together. Moreover, to be as economic as I can be and knowing full well Your Honor does not need me to restate the law, I would simply like to add the following as it applies to severance.

While, as already stated, the lack of 3500 material does make a comprehensive analysis difficult, the simple fact here is that Juan Orlando Hernandez Alvarado has a 20-page indictment in which time it is alleged that not only is he drug and gun trafficker, but that he was also a prominent member of the Honduran government who eventually, during the alleged conspiracy, became President of Honduras. Further, it is alleged that President Hernandez and Mauricio Hernandez Pineda are cousins¹. Of further relevance, in the Geovanny Fuentes Ramirez trial, Juan Orlando Hernandez is mentioned 251 times. Mr. Bonilla is NOT mentioned, nor is

¹ There is also ample evidence including photos of them together, them speaking to each other and them knowing each other quite well.

Mauricio Hernandez Pineda. In the trial of President Hernandez's brother, Juan Antonio Hernandez Alvarado, Juan Orlando's name comes up 195 times, Mauricio's 45 and Mr. Bonilla's 12. Finally, within the indictment for Mr. Bonilla, it seems to indicate that it was during his time, in 2012 to 2013, as head of the Honduran National Police, he exploited his position to facilitate trafficking and used violence, including murders, to protect his co-conspirators.² I would simply point out that while serious in its own right, it would seem most of the evidence in this case involves President Hernandez and his rise to power, creating substantial prejudicial spillover³.

Additionally, as it relates to judicial economy, Mr. Bonilla's trial, apart from that of President Hernandez and Mr. Pineda, would be the most efficient use of judicial resources. Although there would naturally be some overlapping proof presented by the Government, proof concerning Mr. Bonilla's involvement is substantially different from that of nearly 20-year political career of President Hernandez.

Finally, as the former head of the Honduran National Police, Mr. Bonilla was involved in investigating narcotics trafficking and often working alongside other international agencies doing the same. It therefore stands to reason that, one particular defense may in fact be that Mr. Bonilla was investigating the President and as such, there exists a defense conflict to the point of being so irreconcilable as to be mutually exclusive, thereby denying the defendants a fair trial, should they be tried together⁴.

Sincerely,

/s/
Raoul Zaltzberg, Esq.

² There is also testimony of this at the trial of Juan Antonio Hernandez Alvarado

³ See *United States v. Burke*, 789 F.Supp.2d 395 (2011)

⁴ See *United States v. Shkreli*, 260 F.Supp.3d 247 (2017)